

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MICHAEL S. UNRUH, #649584	§	
VS.	§	CIVIL ACTION NO. 6:06cv453
KEVIN MOORE, ET AL.	§	

ORDER OF PARTIAL DISMISSAL

Plaintiff Michael S. Unruh, an inmate confined at the Coffield Unit, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation for the disposition of the lawsuit. Defendants Moore, Sizemore, Grayson and Westfall have filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Defendants to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Defendants are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the motion and amended motion for summary judgment by Defendants Kevin Moore, Michael Sizemore, Glenda Grayson and Ethan Westfall (docket entry numbers 73 and 85) are **DENIED**. It is further

ORDERED that the motion and supplemental motion for summary judgment by Defendants Atrium Glass Company and Bob Boone (docket entry numbers 74 and 91) are **GRANTED** and the claims against Defendants Atrium Glass Company and Bob Boone are **DISMISSED** with prejudice. It is finally

ORDERED that the Plaintiff's motions for summary judgment that are included in his motions in opposition to the TDCJ Defendants' motion and amended motion for summary judgment (docket entry numbers 78 and 99) are **DENIED**.

So ORDERED and SIGNED this 25th day of June, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE